

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

MICHAEL P. ACQUAVIVA,

Plaintiff,

v.  
COMMISSIONER, SOCIAL  
SECURITY ADMINISTRATION,

CASE NO. 8:18-cv-2494-T-02CPT

Defendant.

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**ORDER**

This cause comes before the Court on Plaintiff's Complaint (Dkt. 1), seeking judicial review of the Commissioner of the Social Security Administration's ("Commissioner") decision denying social security disability insurance benefits.

United States Magistrate Judge Christopher P. Tuite issued a report recommending that the decision of the Commissioner be reversed, and the matter remanded for further proceedings (Dkt. 16). No objections have been filed and the time for doing so has passed.

After a *de novo* review of the record, the Court agrees with the analysis of the magistrate judge and orders as follows:

1. The Report and Recommendation (Dkt. 16) is adopted and confirmed in all respects and made a part of this Order.

2. The decision of the Commissioner is reversed pursuant to sentence four of 42 U.S.C. § 405(g). This case is remanded for further administrative proceedings in accordance with the Report and Recommendation and this Order.

3. The Clerk is directed to enter final judgment in favor of Plaintiff and to close the case.

4. Should this remand result in an award of benefits, pursuant to Rule 54(d)(2)(B) of the Federal Rules of Civil Procedure, Plaintiff's attorney is granted an extension of time in which to file a petition for authorization of attorney's fees under 42 U.S.C. § 406(b). Plaintiff's attorney shall file such a petition within thirty (30) days from the date of the Commissioner's letter sent to Plaintiff's counsel of record at the conclusion of the Agency's past due benefit calculation stating the amount withheld for attorney's fees. *See In re: Procedures for Applying for Attorney's Fees Under 42 U.S.C. §§ 406(b) & 1383(d)(2)*, No. 6:12-mc-124-Orl-22 (M.D. Fla. Nov. 13, 2012). This Order does not extend the time limits for filing a motion for attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412.

**DONE AND ORDERED** at Tampa, Florida, on March 2, 2020.

*s/William F. Jung*

**WILLIAM F. JUNG**

**UNITED STATES DISTRICT JUDGE**

**COPIES FURNISHED TO:**

Counsel of Record